

REMARKS

In response to the final Office Action of February 6, 2007 and the Advisory Action of April 12, 2007, and further to the response to the final Office Action filed on March 29, 2007, applicants ask that all claims be allowed in view of the amendments to the claims and the following remarks. The Advisory Action of April 12, 2007 maintained the rejections of the final Office Action.

Claims 1-20 are currently pending, of which 1, 7, and 15 are independent. Claims 1, 7, and 15 have been amended. Support for the amendments may be found in the application at, for example, page 5, lines 11-28; FIG. 1; and FIG. 4. No new matter has been added.

Applicant would like to thank Examiner Harper for the courtesies extended to the applicant's representative during the telephone interviews conducted on July 3, 2007 and July 5, 2007. This response reflects the substance of the interviews. During the interviews, applicant discussed proposed amendments to claim 1 that were very similar to those presented in this response. Examiner Harper noted that, if formally presented, the proposed amendments would likely advance prosecution. Accordingly, this amendment is being filed concurrently with a Request for Continued Examination.

Provisional Double Patenting Rejection

Claims 1, 7, and 15 have been provisionally rejected for obviousness-type double patenting over claims 1, 10, and 19 of co-pending Application No. 10/784,848. Without conceding obviousness, applicant respectfully requests that this provisional rejection be held in abeyance until the claims of both this application and those in Application No. 10/784,848 are otherwise held to be allowable.

Rejection under 35 U.S.C. § 103

Claims 1-20 have been rejected under 35 U.S.C. § 103 as being unpatentable over Bracho (U.S. Patent No. 5,870,605) in view of Cheng (U.S. Patent No. 5,884,324). Applicant requests reconsideration and withdrawal of the rejection because, as described below, Bracho and Cheng,

alone or in any proper combination, do not describe or suggest the subject matter of independent claims 1, 7, and 15. For example, neither Bracho nor Cheng describes or suggests that each data subscription 1) is generated automatically by the first computer system based only on the type of data to be distributed to data sites, the accessed application data, and the distribution criterion and 2) identifies a portion of the application data to be distributed to one or more of the data sites of the second computer system, as recited by claim 1.

Independent claim 1 recites a computer-readable medium having embodied thereon a computer program configured to generate data subscriptions. The medium includes one or more code segments configured to, *inter alia*, generate, using a first computer system, data subscriptions for the type of data to be distributed to data sites corresponding to computer systems that are distinct from the first computer system, the computer systems and the first computer system being connected in a network of distributed computer systems operating an application program having the application data of the various data types. Each data subscription 1) is generated automatically by the first computer system based only on the type of data to be distributed to data sites, the accessed application data, and the distribution criterion and 2) identifies a portion of the application data to be distributed to one or more of the data sites of the second computer system.

In contrast, Bracho describes techniques for making information available via a networked system of publishers and subscribers. See Bracho at col. 1, lines 19-21. “Publishers” publish information, and “subscribers” request and use the information. See Bracho at col. 1, lines 63-65. In particular, each subscriber receives information (or an event) published by the publisher if, and only if, the events match subscription criteria specified by the subscriber. See Bracho at Abstract; col. 2, lines 19-21. To receive information, the subscribers register a subscription for an event type. See Bracho at col. 8, lines 44-46. Subscribers then specify the information that they want to receive by an event type and the content of the event. See Bracho at col. 5, lines 24-25.

As such, Bracho describes a system in which information is published to subscribers based on the event and the content of the event as specified by the subscriber. Indeed, the Advisory Action notes that in Bracho, “subscribers specify what they want.” See Advisory Action at page 2, line 14. In contrast to Bracho’s approach, which relies on the subscribers to

register a subscription for an event type and indicate the content and types of events that the subscriber wishes to receive, claim 1 recites (with emphasis added) that each data subscription 1) is generated automatically by the first computer system based only on the type of data to be distributed to data sites, the accessed application data, and the distribution criterion.

Accordingly, Bracho does not describe or suggest that each data subscription 1) is generated automatically by the first computer system based only on the type of data to be distributed to data sites, the accessed application data, and the distribution criterion and 2) identifies a portion of the application data to be distributed to one or more of the data sites of the second computer system, as recited by claim 1.

Cheng does not remedy the failure of Bracho to describe or suggest the noted features of claim 1, nor does the final Office Action assert that Cheng does so. Rather, the final Office Action relies on Cheng to disclose identifying “a portion of the application data to be distributed to one or more of the data sites.” See final Office Action at page 5, lines 7-9.

Cheng describes techniques for accessing information stored in a database on a database management system. See Cheng at col. 1, lines 6-8. Cheng's techniques include a replication agent for providing replicated data from the database management system to a remote user. See Cheng at col. 1, lines 8-10. Cheng's replication agent receives a subscription message from the remote client. See Cheng at col. 3, lines 45-47. The subscription message identifies data that the remote client wants replicated from the database management system and specifies a replication period. See Cheng at col. 3, lines 48-53. The data replication agent accesses and reads a change log stored in the database management system and transmits changed data to the remote client. See Cheng at col. 3, lines 59-62 and 65-66.

As such, Cheng's techniques disclose receiving, from a remote client, a subscription message that identifies data to send to the remote client, and transmitting changes data to that remote client in response to the received request. Thus, Cheng does not remedy the failure of Bracho to describe or suggest each data subscription 1) is generated automatically by the first computer system based only on the type of data to be distributed to data sites, the accessed application data, and the distribution criterion and 2) identifies a portion of the application data to be distributed to one or more of the data sites of the second computer system, as recited by claim 1.

Accordingly, neither Bracho nor Cheng, nor any proper combination of these references, describes or suggests that each data subscription 1) is generated automatically by the first computer system based only on the type of data to be distributed to data sites, the accessed application data, and the distribution criterion and 2) identifies a portion of the application data to be distributed to one or more of the data sites of the second computer system, as recited by claim 1. For at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 1 and claims 2-6, which depend from claim 1.

Claim 15 recites subject matter similar to that of claim 1, but claim 15 does so in the context of a method for generating data subscriptions. Thus, for the reasons discussed above, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 15 and claims 16-20, which depend from claim 15.

Independent claim 7 recites, *inter alia*, that the data subscriptions for types of application program data are automatically generated by the central system based only on (1) the type of data to be distributed, the application data stored at the central system, and a distribution criteria for a type of application data, and (2) identifies a portion of the application data to be distributed to the local databases of the distributed systems. As discussed above, Bracho relies on the subscribers to register a subscription for an event type and indicate the content and types of events that the subscriber wishes to receive. In contrast, claim 7 recites (with emphasis added) the data subscriptions for types of application program data are automatically generated by the central system based only on (1) the type of data to be distributed, the application data stored at the central system, and a distribution criteria for a type of application data. Furthermore, and as discussed above, Cheng does not remedy the failure of Bracho to describe or suggest this feature. Because neither Bracho, Cheng, nor any proper combination of these references describes or suggests at least this feature of claim 7, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 7 and claims 8-14, which depend from claim 7.

Conclusion

Applicant submits that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession

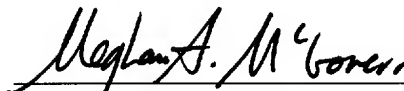
of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Pursuant to 37 CFR §1.136, Applicants hereby petition that the period for response to the Office Action dated February 6, 2007, be extended for two months to and including July 6, 2007.

Fees in the amount of \$1240 in payment for the Request for Continued Examination fee (\$790), for the Petition for Extension of Time fee (\$450) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No additional fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: July 5, 2007



Meghan A. McGovern
Reg. No. 60,476

Customer No.: 32864
Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331